

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

- - - - -

WILL EL, et al.                     )  
  )  
          Plaintiffs,                )  
  )  
          vs.                         ) Civil Action  
  ) No. 2:15-cv-834  
THE CITY OF PITTSBURGH, )  
et al,                                 )  
  )  
          Defendant.                )

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VIDEOTAPED DEPOSITION OF OFFICER RYAN WARNOCK

- - - - -

October 24, 2017

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1           Officer Warnock - by Mr. Hollis

2           A.     Yes, he did.

3           Q.     All right. Is that a --

4           A.     That is actually -- he grabbed his  
5 wrist. He grabbed his left wrist. I didn't see  
6 him grab his neck. What he did was he pushed him  
7 on his chest from -- he -- he grabbed his left arm  
8 with his right arm and pushed him on his chest  
9 backwards.

10          Q.     All right. And we already indicated or  
11 you already indicated in your prior testimony that  
12 he initiated contact?

13          A.     Physical contact, yes.

14          Q.     Okay. And as soon as Will El hit the  
15 back of the storefront wall, immediately  
16 thereafter you see Beyshaud El stand up; is that  
17 correct?

18          A.     Correct.

19          Q.     All right. And is that when you  
20 deployed your taser?

21          A.     That's when I -- that's when I  
22 unholstered it, and I -- I was given a verbal --  
23 verbal commands, and then once I saw his arm come  
24 back, he was coming back in a punching motion, and  
25 then I decided, okay, he's -- he's going to punch

1           Officer Warnock - by Mr. Hollis  
2     Frank in the back of the head.

3           Q.     Okay. So let's go back. Now, we can  
4     agree that Frank Welling was directly in front of  
5     both Beyshaud El and Will El; is that correct?

6           A.     No. It wouldn't have been directly in  
7     front of him. So Will El -- Will El is here  
8     (indicating), and Frank is actually off to not  
9     quite a 45-degree angle to his right.

10          Q.     Let me make it a full screen.

11          A.     Okay.

12          Q.     It might make it a little bit easier.  
13     Okay. Re-explain, please.

14          A.     So at this point he's sitting down here  
15     (indicating). Frank is standing here  
16     (indicating). This is -- it's -- it appears in  
17     the video that he's kind of across from him but  
18     it's actually -- it's little bit more than it  
19     would be like a 45-degree angle away from him.

20          Q.     Okay. Let's play the video. So you  
21     see Will El is about to hit the back of the  
22     storefront wall; is that correct?

23          A.     Right.

24          Q.     And at that point you see Beyshaud El  
25     stand?

1           Officer Warnock - by Mr. Hollis  
2     remove the hand of Frank Welling -- I think this  
3     is broken.

4           Did you -- did you see Officer Frank  
5     Welling place his hand on the chest of Beyshaud  
6     El?

7           A.     I did not. But to answer your question  
8     before that, if -- if his idea of removing his  
9     hand is by punching him, then -- then that would  
10    be what it is. He took a swing at Frank, but I  
11    didn't see him doing anything else.

12          Q.     Now, do you -- I'll make this view,  
13    make this bigger. You said that Beyshaud El  
14    attempted to punch Frank Welling in the back of  
15    the head.

16          A.     Uh-huh.

17          Q.     All right. I know it appears to be  
18    somewhat blurry, but just in front of Frank  
19    Welling appears to be Beyshaud El's hand. Do you  
20    see that?

21          A.     Right.

22          Q.     Okay. Can you agree with me that that  
23    is not the back of the head of Frank Welling?

24          A.     So the -- like I said, with this angle  
25    he is actually about 2 1/2 feet to Frank's left.

1           Officer Warnock - by Mr. Hollis

2       So when the -- when the -- when his arm was back  
3       and then he comes up, it would have been the back  
4       of Frank's head. At this point he had already  
5       missed, and I'm -- I'm sure within milliseconds  
6       after is when he got hit with the taser.

7           Q.       So you do agree that the video  
8       interpretation is what we have that's -- that's  
9       our record of the facts at this point?

10          A.       Right. Yeah. Like I said, I'm only  
11       testifying to what I remember, what I know about  
12       this video. I'm -- that's why I'm trying to give  
13       you accurate information as to where they were  
14       standing.

15          Q.       I understand. But I'm only asking you  
16       with respect to what -- what's transpiring --

17          A.       Sure.

18          Q.       -- in this video --

19          A.       Sure.

20          Q.       -- because I wasn't there.

21          A.       At this point he had already missed the  
22       punch, and he may have already been hit with the  
23       taser but it's about to take effect.

24          Q.       Okay.

25          A.       Shortly after here.

1           Officer Warnock - by Mr. Hollis

2           Q.     What is -- were you trained in the use  
3 of a taser?

4           A.     Yes.

5           Q.     All right. And what is the approximate  
6 voltage that that X26 would --

7           A.     I'm -- I'm not an expert in tasers.  
8 You would need an expert to talk about that or --  
9 or let me review a manual or something like that.  
10 I'm not sure.

11          Q.     Would you have known it when you took  
12 your training class?

13          A.     Yes, it is in the class.

14          Q.     Would you have been required to know  
15 it?

16          A.     No.

17          Q.     All right. Are there particular places  
18 on a person's body that you were trained not to --  
19 not to target when you're --

20          A.     Yes.

21          Q.     -- deploying a taser? What parts would  
22 those be?

23          A.     Sensitive areas like the face. Well,  
24 there's different zones. There's green, green  
25 and -- you know, red zones would be areas that you

1           Officer Warnock - by Mr. Hollis  
2   should never or not shoot.

3           Q.     What are red zones?

4           A.     Which would be like groin, face, head,  
5   back of the head, neck area, and I think -- I  
6   think that's it for like areas that -- that are  
7   red on the -- on the -- as far as the  
8   demonstration purposes would go.

9           Q.     Okay. What are the green areas?

10          A.     The large muscle groups of the body.  
11   So like the -- the big portion of your leg,  
12   your -- your upper portion to include your  
13   hamstring, the side of -- the side of your leg,  
14   the -- the thigh area, the back, the stomach,  
15   above the groin, groin box area.

16          Q.     Was that the chest?

17          A.     No.

18          Q.     Is the chest a green area?

19          A.     I don't -- I don't believe it is a  
20   green area.

21          Q.     Okay. And where did you strike  
22   Beyshaud at with your taser?

23          A.     I believe it would have been like  
24   the -- I think one prong hit the lower portion of  
25   his back and one prong hit like the mid portion of

1           Officer Warnock - by Mr. Hollis  
2 his back.

3           Q.     So you deployed your taser twice?

4           A.     No. No. You shoot it once. It has  
5 two prongs and that's how it connects the charge.

6           Q.     And how long -- how long does the  
7 charge last?

8           A.     It is -- so you can -- you can shut  
9 them off early, but if you pull the trigger one  
10 time, it cycles for one five-second cycle.

11          Q.     Okay. And when you deployed your  
12 taser, how long did it cycle?

13          A.     It was one five-second cycle.

14          Q.     Is that what appears to be Lieutenant  
15 Kacsuta pushing you into the -- I guess into the  
16 scene?

17          A.     I believe what she did actually was she  
18 -- she grabbed my -- I think she grabbed my  
19 handcuffs. My handcuff placement would have  
20 been -- I had two sets of cuffs. One would be on  
21 the right side, one would be on my left side, and  
22 I think what she did was she grabbed a set, and  
23 then she may have -- she may have nudged me in  
24 just so that no one else got -- had crossed over  
25 my wires.



1                   Officer Warnock - by Mr. Hollis

2           A.       Uh-huh.

3           Q.       You referred to the -- the exhibit.

4           A.       Right.

5           Q.       And you indicated that Exhibit A was a  
6 black taser cartridge; correct?

7           A.       Yes.

8           Q.       All right. But you didn't indicate  
9 that there were any other pieces of evidence?

10          A.       So I don't know -- I did not -- so like  
11 I -- like I explained to you before, when you drop  
12 someone off at the Allegheny County Jail, you  
13 would typically do your paperwork here. So I  
14 believe that after the arrest Frank Welling and I  
15 took Will El to the Allegheny County jail and  
16 another officer took Beyshaud El to the hospital  
17 because that was the policy, the policy if someone  
18 gets shocked with a taser, they have to go get  
19 medical clearance. So this says that the report  
20 was generated at 1627 hours on that date.

21          Q.       What time is that in -- in regular  
22 time?

23          A.       That would be 4:20 and 49 seconds is  
24 what it says. I didn't have custody of Beyshaud.

25          Q.       I'm not asking you whether you had

1                   Officer Warnock - by Mr. Hollis  
2   custody of Beyshaud.

3           A.     Right.

4           Q.     I'm not asking you if you had custody  
5   of Will El. I'm asking you relevant to the  
6   evidence or the additional things that you, you as  
7   the constable, are responsible for collecting --

8           A.     Uh-huh.

9           Q.     -- you did not collect the personal  
10   items that belonged to either Beyshaud El or Will  
11   El; is that correct?

12          A.     No, I didn't.

13          Q.     Okay. However --

14          A.     That doesn't mean someone else didn't.

15          Q.     Let me ask --

16          A.     But I did not.

17          Q.     Let me ask the question. But your role  
18   as the constable was to do just that, was to  
19   collect the personal items and all of the evidence  
20   related to this case?

21          A.     No.

22          Q.     Okay. Whose job was it?

23          A.     If -- if someone else had taken custody  
24   of Beyshaud and taken him to the hospital and he  
25   had property on them that wouldn't be allowed in

1           Officer Warnock - by Mr. Hollis  
2     the ACJ, the Allegheny County Jail, or if he had  
3     property on him that would have went to someone  
4     else, that would have been their responsibility,  
5     not mine.

6           Q.     A fair response.

7           A.     And then they should have done a report  
8     on it.

9           Q.     A fair response.

10          A.     Okay.

11          Q.     What about the property that would have  
12     been laying on the ground, would that have been  
13     your responsibility as the constable to collect  
14     those items?

15          A.     If -- if they had property on them that  
16     was not --

17          Q.     Not on them. On the ground.

18          A.     Okay. Either/or. It's --

19          Q.     So if you see property on the ground,  
20     is it your responsibility to collect it to  
21     properly identify it to make sure that, you know,  
22     it's part of your report?

23          A.     If it's theirs and it's not contraband  
24     and they're going to the Allegheny County Jail, it  
25     would go back on their person, either in their

1           Officer Warnock - by Mr. Hollis  
2   pocket or in a bag, in a property bag with them.  
3   We -- we don't take custody of personal items when  
4   someone's arrested.

5           Q.     Okay.

6           A.     As long as it's not illegal.

7           Q.     Okay. So did you -- did you see any  
8   marijuana laying on the ground?

9           A.     No.

10          Q.     Did you see any weapons laying on the  
11   ground?

12          A.     No.

13          Q.     Did you see any licenses or personal  
14   forms of identification laying on the ground?

15          A.     I don't recall that.

16          Q.     Okay. Would that have been your job --  
17                   So is that a yes or a no?

18          A.     I -- I don't recall seeing anybody's  
19   license on the ground.

20          Q.     Did you look?

21          A.     I would have looked, yes.

22          Q.     Okay. So you've indicated that you no  
23   longer work for the City of Pittsburgh Police  
24   Department; is that correct?

25          A.     Correct.

1                   Officer Warnock - by Mr. Hollis

2           Q.     All right. When did you terminate your  
3 employment with the City of Pittsburgh Police  
4 Department?

5           A.     In 2015.

6           Q.     Okay. Why did you terminate your  
7 employment?

8           A.     Because I had gotten another job.

9           Q.     Okay. And that job was where?

10          A.     Pleasant Hills.

11          Q.     Okay. As a police officer?

12          A.     Yes, sir.

13          Q.     Okay. And I'm not sure if I asked you  
14 this question, but were you responsible for taking  
15 either Beyshaud El or Will El to either the  
16 Allegheny County Jail or the hospital?

17          A.     Yes.

18          Q.     Okay. Who -- who did you take custody  
19 of?

20          A.     We took -- so we still -- Frank Welling  
21 and myself, we took Will El to the Allegheny  
22 County Jail.

23          Q.     Okay. And who took custody of Beyshaud  
24 El?

25          A.     Officer Lawniczak transported Beyshaud